

REMARKS

This Paper is submitted in response to the Office Action dated June 15, 2006 having a shortened statutory response period ending on September 15, 2006. This Paper is submitted within the shortened statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1, 3-9, 21-34, 36-47, 49-55, 57-58 and new claims 77-80 are pending in this application. Claims 2, 10-20, 35, 48, 56 and 59-76 have been canceled.

Applicant respectfully disagrees with and traverses the withdrawal of claims 4, 6-10, 14, 16-20, 24, 29, 31-34, 36, 40, 43, and 52-55. Claim 1 is generic to all the pending claims. Claim 1 requires no element additional to the elements recited in the alleged species claims. Moreover, every pending claim entails all the elements of claim 1. In particular, every pending claim recites the element "fitting a heat shield over the interface area...." In view of the foregoing, the alleged species restriction is unwarranted and Applicants respectfully request withdrawal of same.

Claims 1, 5, 11, and 15 were rejected under 35 U.S.C. §102(e) for allegedly being anticipated by U.S. Patent Application Publication No. 2003/0141002 to Flanagan (*Flanagan*). Claims 1, 2, 5, 11, 12, and 15 were rejected under 35 U.S.C. §102(b) for allegedly be anticipated by U.S. Patent No. 5,549,552 to Peters et al. (*Peters*). Claims 1, 5, 11, 15, 21, 26-28, 30, 35, 41, 45-47, and 51 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent Application Publication No. 2003/0201059 to Holman et al. (*Holman*). Claims 1-3, 5, 11-13, 15, 21, 25-28, 30, 35, 37, 38, 41, 42, 44-51, and 56-58 were rejected under 35 U.S.C. §103(a) for allegedly being obvious over *Peters* in view of *Holman*. Claims 21-23 and 39 were rejected under 35 U.S.C. §103(a) for allegedly being obvious over *Holman* in view of U.S. Patent No. 4,340,097 to Ammann et al. (*Ammann*). Applicants respectfully traverse and disagree with these rejections for the reasons set forth below.

Flanagan, *Peters*, *Holman*, and *Ammann*, either alone or in combination, fail to disclose or suggest a method for assembling a medical device that includes fitting a heat shield over an interface area, the heat shield permitting transmission of infrared energy to form a bond between two polymeric articles as recited in the present claims. *Flanagan*, *Holman*, and *Ammann* have no disclosure whatsoever directed to a heat shield. A reference cannot disclose or suggest that which it does not have. In this case, *Flanagan*, *Holman*, and/or *Ammann* are wholly silent with

respect to a heat shield and thereby cannot disclose or suggest fitting a heat shield over an interface area as recited in the present claims.

Peters discloses a method for manufacturing a balloon catheter. The *Peters* method includes placing a heat shrink tube over a balloon waist, the balloon waist positioned over a tube. *Peters*, col. 8 lines 13-44. A heat shield may be located “proximal” or near the balloon waist. *Peters*, col. 8 lines 44-47. Exposing the balloon waist to heat causes the heat shrink tube to shrink and compress around the balloon waist and the tube—thereby bonding the balloon waist to the tube. *Peters*, col. 8 lines 45-57. Consequently, *Peters* has no disclosure that the heat shield is fitted over the balloon waist. To the contrary, *Peters* discloses that the heat shield is not placed over the balloon waist, as *Peters* requires the heat shrink tube and the balloon waist to be exposed to heat. *Peters*, col. 2 lines 65-68, col. 8 lines 45-48. As the *Peters* heat shield does not cover the heat shrink tube/balloon waist—but rather exposes the heat shrink tube/balloon waist to heat—*Peters* fails to disclose or suggest fitting a heat shield over an interface area as recited in the present claims.

In fact, one of ordinary skill in the art would recognize that placing a heat shield over the heat shrink tube/balloon waist would render *Peter's* heat shrink tube unsuitable for its intended purpose. In particular, placement of the heat shield over the heat shrink tube would impede shrinkage, compression, and adhesion of the heat shrink tube onto the balloon waist and tube. A heat shield placed over *Peters'* heat shrink tube would impede or prevent the shrinking movement that occurs when the heat shrink tube is exposed to heat. The heat shield would thereby prevent the heat shrink tube to shrink, compress, and adhere to the balloon waist. Moreover, the presence of the heat shield at *Peters'* bond site would provide another substrate (*i.e.*, the heat shield) onto which the heat shrink tube may attach. Attachment of the heat shrink tube onto the heat shield would contradict the purpose of the heat shrink tube—namely, to shrink, compress, and adhere to the balloon waist. Thus, one of ordinary skill in the art would realize that *Peters* does not disclose placing the heat shield over the heat shrink tube/balloon waist as doing so would render the heat shrink tube unsuitable for its intended purpose.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly request an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Ted J. Barthel
Reg. No. 48,769
Customer No. 29200

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